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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,323	08/20/2001	Matthew J. Poduska	01P1511	3970

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SIMMONS, PERRINE, ALBRIGHT & ELLWOOD, P.L.C.
 THIRD FLOOR TOWER PLACE
 22 SOUTH LINN STREET
 IOWA CITY, IA 52240

EXAMINER

DANG, KHANH NMN

ART UNIT	PAPER NUMBER
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DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/682,323

Applicant(s)

PODUSKA, MATTHEW J.

Examiner

Khanh Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 6, 7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Asano et al.

At the outset, it is noted that similar claims will be grouped together to avoid repetition in explanation.

With regard to claim 1, Asano et al. discloses a computer system comprising: a chassis having a plurality of slots thereon each configured for receiving one of a plurality of planar shaped circuit cards therein (as for any server, it is inherent that a chassis (motherboard) must be provided to house a plurality of PCI slots for a plurality of planar PCI cards in full compliance with PCI Protocol, see at least Fig. 1, elements 7a, 7b, for example); a shroud coupled to the chassis to form an enclosure about the plurality of planar shaped circuit cards

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(as for any server, it is inherent that an enclosure must be provided to house the motherboard/chassis and components such as network cards) ;
the plurality of planar shaped circuit cards (7a/7b, for example) each configured for providing an independent dedicated server function (each card 7a/b has its own processor and function independently); and, each of the plurality of planar shaped circuit cards (7a, b for example) being configured so as to be free from any direct communication connection with any inter-card bus inside the enclosure (it is clear from at least Fig. 1 and description thereof that network cards 7a,b have no direct connection with the system bus).

With regard to claim 3, it is clear from at least Fig. 1 of Asano et al. that the PCI cards of Asano et al. must be in full compliance with PCI protocol. The PCI standard requires each PCI card receives either 3.3 or 5 Volts power from the motherboard. When a PCI card is inserted into a PCI slot, the PCI card's keys designed for either 3.3 or 5V fits into the slot to receive either 3.3 or 5 Volts from a single source (the motherboard) depending on the card's keys.

With regard to claims 4 and 6, as mentioned above, the PCI cards must be in full compliance with the PCI protocol.

With regard to claim 7, since PCI network cards, each having its own local processor and memory, have no direct connection to and function independently from the system bus, it is clear from Asano et al. that only those PCI traces are used for power supply.

With regard to claim 11, it is clear that one practicing the device of Asano et al. (see discussion above) would have performed the same steps set forth in

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claim 11. Note that every network card has an external connector for enabling connection to a network environment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asano et al.

Asano et al., as explained above, discloses the claimed invention including the use of a plurality of independently functioned PCI network cards. However, Asano et al. does not specifically disclose that the independent functions include "email server function," "web server function," and "file storage function." It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such intended functions to the plurality of PCI network cards of Asano et al. by, for example, suitable software, since the Examiner takes Official Notice that "email server function," "web server function," and "file storage function" are all old and well-known for their applications in a network environment, and merely providing such functions to the independently functioned PCI network cards only involves ordinary skill in the art. If Applicant

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chooses to properly challenge the Official Notice, supportive document(s) will be provided upon request.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asano et al.

Asano et al., as explained above, discloses the claimed invention except for the use of ISA slots instead of PCI slots. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use ISA protocol instead of or in addition to the PCI protocol as used in Asano et al., since the Examiner takes Official Notice that both PCI and ISA protocols are old and well-known in the art, and a selection of one over the other or both only involves ordinary skill in the art. If Applicant chooses to properly challenge the Official Notice, supportive document(s) will be provided upon request.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asano et al.

Asano et al., as explained above, discloses the claimed invention including the use of a plurality of independently functioned PCI network cards. However, Asano et al. does not specifically disclose that the independent functions include "email server function," "web server function," and "file storage function." It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such intended functions to the plurality of PCI network cards of Asano et al. by, for example, suitable software, since the

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Examiner takes Official Notice that "email server function," "web server function," and "file storage function" are all old and well-known for their applications in a network environment, and merely providing such functions to the independently functioned PCI network cards only involves ordinary skill in the art. If Applicant chooses to properly challenge the Official Notice, supportive document(s) will be provided upon request. With regard to claim 9, see discussion regarding to claim 3 above. With regard to claim 10, see discussion regarding to claim 6 above.

Response to Arguments

Applicants' arguments filed 5/25/2004 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." *Springs Window Fashions LP v. Novo Industries, L.P.*, 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any

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limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.

The Asano 102 Rejection:

Applicant argued that “[s]ince Asano reference includes two cards, 7a and 7b, which are connected by an inter-card bus, it cannot be used to anticipate or render obvious the claims, as amended.” Contrary to Applicant’s argument, it is clear from Asano that the planar shaped circuit cards (7a, b for example) are configured so as to be free from any direct communication connection with inter-card system bus or host bus 1a inside the enclosure. This is identical to the disclosure on page 4, 2nd paragraph, of the specification that “there are no direct communication connections between the cards 124, 126 and 128 via an internal system bus.”

The Asano 103 Rejections:

Applicant did not separately argue against the 103 Rejections.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.

A handwritten signature in black ink, appearing to read 'Khanh Dang', with a long horizontal flourish extending to the right.

Khanh Dang
Primary Examiner